

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 959 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI and Sd/-

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO
1 to 5 No

ASSOCIATION OF RAILWAYS & POSTEMPLOYEES

Versus

K C RAVAL

Appearance:

MR RC PATHAK for Petitioner

MR JAYANT PATEL for Respondent No. 1

CORAM : MR.JUSTICE R.K.ABICHANDANI and

MR.JUSTICE D.H.WAGHELA

Date of decision: 17/12/1999

ORAL JUDGEMENT (Per R.K.Abichandani, J.)

The petitioner and its counsel are absent. 17
employees were ordered to be reinstated under the award
dated 30.9.1991 with backwages. That award was
challenged in Special Civil Application No.1581 of 1992
by the respondent. In that matter, interim relief was

granted staying the award only to the extent of recovery of backwages by the order made on 31.3.1992. Thereafter, this special civil application was disposed of on 4.4.1996 holding that the Central Administrative Tribunal had jurisdiction even in context of Article 226 of the Constitution of India in view of Sampatkumar's case. That position came to be reversed when Sampatkumar's case was overruled, as stated in paragraphs 3 and 3 (repeated) of the affidavit-in-reply dated 13.8.1999. Thereafter, review was made being Miscellaneous Civil Application No.255 of 1998 in the Letters Patent Appeal No.462 of 1998. That application seems to be pending. This dispute is confined only to the question of payment of backwages in respect of which on an earlier occasion interim relief was granted in favour of the respondents. The respondents are awaiting outcome of their review application. In this view of the matter, we do not find any wilful disobedience on the part of the respondents. The application is therefore rejected. Rule is discharged with no order as to costs.

(KMG Thilake)

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